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TALTON

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Per

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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| 2747 EXAMINER | |
| 06/07/00 | |
| ART UNIT | PAPER NUMBER |
| 10 | |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/933,951

Applicant(s)

David Talton

Examiner
Jacques M. Saint-Surin

Group Art Unit
2747



☒ Responsive to communication(s) filed on Mar 30, 1900

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-20 is/are allowed.

☒ Claim(s) 21-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Response to Amendment

1. This Office Action is responsive to the amendment of 3/30/00.

Response to Arguments

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 21-26 are rejected as being based upon a defective reissue oath under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The amendments of claims 21 and 26 in amendment B of 3/30/00 are not limited to spelling, grammar, typographical, editorial or clerical errors which are not errors under 35 USC 251 (see MPEP 1402).

Furthermore, MPEP 1414.01 states that "If additional defects or errors are corrected in the reissue after the filing of the application, a supplemental reissue oath/declaration must be filed, unless all errors corrected are spelling, grammar, typographical, editorial or clerical errors which are not errors under 35 USC 251 (see MPEP 1402). In other words, a supplemental oath/declaration is required where any "error" under 35 USC 251 has been corrected and the error was not identified in the original reissue oath/declaration.

The supplemental reissue oath/declaration must state that every error which was corrected in the reissue application not covered by the prior oath(s)/declaration(s) submitted in the

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application arose without any deceptive intention on the part of the applicant. See MPEP 1414.01.

Allowable Subject Matter

4. Claims 1-26 are allowable over the prior art of record.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques M. Saint-Surin whose telephone number is (703) 305-4760. The examiner can normally be reached on Mondays through Thursdays from 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen, can be reached on (703) 305-4386. The fax phone number for this Group is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 308-5403, (for formal communications intended for entry)

Or:

(703) 305-3900 [1] (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).



FORESTER W ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700



JACQUES SAINT-SURIN
PATENT EXAMINER

Jacques M. Saint-Surin
June 5, 2000